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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P.No.640 of 2021
and
C.M.P.No.16102 of 2021

Mahalakshmi ...Petitioner/Petitioner

-Vs-

P.Chandran ...Respondent/Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.69 of 2021 on the file of Subordinate Judge, Gudiyatham, Vellore District and transfer it to the file of the Family Court, Chennai.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.K.A.Ravindran

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.69 of 2021 filed by the husband for divorce before the learned Sub Judge, Gudiyatham, Vellore, to the file of the the learned Family Court, Chennai.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 17.02.2017 at Arulmigu Siva Sakthi Alayam, Vadapalani, Chennai, as per Hindu rites and customs. Out the wedlock, they had one girl child by name Vinmini @ Vishalini born on 23.03.2018. Thereafter, the family members of the respondent demanded dowry and started to abuse the petitioner for the birth of female child. Thereafter, the respondent filed H.M.O.P.No.69 of 2021 for divorce. The petitioner filed M.C.No.329 of 2021 before the VI Additional Family Court, Chennai, for maintenance.

3.The reasons for seeking the transfer are as follows:

1.The petitioner is residing at Vellore in her



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parent's house.

2.The respondent husband has not provided any maintenance to the petitioner and her child.

3.The distance between Chennai and Vellore is too far and she cannot travel each time to attend the hearings.

4.The learned counsel for the respondent would submit that there is no proof to show that the petitioner is residing at Chennai. Even in the FIR, the address of the petitioner is at Gudiyatham. Further, the respondent had addressed a letter to the petitioner at the address presently given which was returned with the endorsement "No such addressee".

5.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the papers.

6.Admittedly, there is no proof to show that the petitioner is residing at Chennai which is evident from a perusal of the documents filed by the respondent. Further, the notice sent by the respondent husband to the address given in this petition has been returned with the endorsement "No such person" a month after the filing of the Transfer Petition. Under these circumstances, the request for transfer is not justified.

Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mps

To

The Subordinate Judge,
Gudiyatham,
Vellore District.

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and
C.M.P.No.16102 of 2021

SKM(CO)
RGA(19/05/2022)